

Message Text

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ACTION L-03

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FM AMEMBASSY PORT OF SPAIN

TO SECSTATE WASHDC 9147

UNCLAS PORT OF SPAIN 1075

FOR L/PM

E.O. 11652: NA

TAGS: PGOV, PFOR, TD

SUBJECT: FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94647

1. FOLLOWING RESPONSES ARE KEYED TO QUESTIONS RAISED
IN PARA 2 REFTTEL, AND ARE BASED UPON EMBASSY REVIEW OF
ALL AVAILABLE LEGISLATION:

- (A) YES, THE PREVENTION OF CORRUPTION ORDINANCE, 1921.
- (B) NO.
- (C) NO, OTHER THAN PROVISIONS CONTAINED IN (A) ABOVE.
- (D) NO.
- (E) NO.
- (F) NO.

2. THE PREVENTION OF CORRUPTION ORDINANCE IS A GENERAL
LAW WHICH MAKES SOLICITING OR RECEIVING BRIBES OR OTHER
CORRUPT PAYMENTS AS AN INDUCEMENT TO, OR REWARD FOR, AN
ACTION BY ANY GOVERNMENT OFFICER OR EMPLOYEE A MISDEMEANOR.
THIS ORDINANCE ALSO PROVIDES THAT CORRUPT TRANSACTIONS
WITH AGENTS ARE MISDEMEANORS, DEFINING AN AGENT AS
"ANY PERSON EMPLOYED BY OR ACTING FOR ANOTHER." THE PENALTY
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FOR THESE OFFENSES IS TWO YEARS IMPRISONMENT AND/OR A FINE,

BUT IF THE CORRUPT TRANSACTION INVOLVES A GOVERNMENT CONTRACT OR SUB-CONTRACT THE PENALTY IS INCREASED TO SEVEN YEARS' IMPRISONMENT. ORDINANCE ALSO STATES THAT ANY PAYMENT OR OTHER CONSIDERATION GIVEN TO OR RECEIVED BY A GOVERNMENT EMPLOYEE FROM SOMEONE HOLDING OR SEEKING A GOVERNMENT CONTRACT SHALL BE DEEMED A CORRUPT INDUCEMENT UNLESS PROVEN TO THE CONTRARY.

3. GIVEN TRINIDAD'S HISTORY AS A BRITISH COLONY, THE ABOVE-DESCRIBED ORDINANCE IS DOUBTLESS BASED UPON BRITISH CUSTOM AND PRACTICE AND MAY BE VERBATIM COPY OF LAW ENACTED IN OTHER COLONIES OR TERRITORIES.

4. WITH REGARD TO QUESTIONS (D) AND (E), IT IS WORTH NOTING THAT TRINIDAD'S NEW REPUBLICAN CONSTITUTION (ASSENTED TO MARCH 29 BUT NOT YET PROCLAIMED) PROVIDES FOR THE CREATION OF AN "INTEGRITY COMMISSION." THIS COMMISSION IS TO RECEIVE WRITTEN DECLARATIONS AS TO THE ASSETS, LIABILITIES AND INCOME OF ELECTED GOVERNMENT OFFICIALS AND SENIOR APPOINTED OFFICERS, AND MAY SUPERVISE "ALL MATTERS CONNECTED THEREWITH." IT IS POSSIBLE THAT THIS COMMISSION, ONCE FORMED, MIGHT ADOPE CONFLICT-OF-INTEREST GUIDELINES AND RECOMMEND RESTRICTIONS OR DISCLOSURE RULES INVOLVING POLITICAL CONTRIBUTIONS.
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